

Agenda Item

DATE: November 25, 2013

TO: Board of Directors

FROM: Rod Hewitt, Interim Fire Chief



SUBJECT: Consider Adoption of Resolution No. 20-2013 and Introduction of Ordinance No. 2013-4 Adopting and Amending the 2013 Edition of the California Fire Code.

RECOMMENDED ACTION

1. Adopt Resolution No. 20-2013
2. Introduce Ordinance No. 2013-4 by title only and waive full reading.
3. Schedule a Public Hearing for the January 21, 2014 regular meeting to consider adoption of Ordinance No. 2013-4.
4. Direct staff to submit Resolution No. 20-2013, proposed Ordinance No. 2013-4 and all required documentation to the County of San Luis Obispo as required by Health and Safety Code Section 13869.7.

Motion: _____/_____

Discussion: Every three years, the California Fire Code is updated and adopted by the State of California. Each local jurisdiction then may review and adopt amendments to reflect local conditions. Government Code Sections 50022.2 et. seq. set forth the procedures for adopting codes by reference. The District is required to adopt an ordinance and adopt a resolution with findings that the District's modifications to the California Fire Code are reasonably necessary because of local climactic, geological and topographical conditions specific to the Templeton Community Services District.

Attached is proposed Ordinance No. 2013-4 which adopts the 2013 California Fire Code, incorporating Templeton's local amendments. Please note, italics indicate an amendment to the California Fire Code

Also attached is proposed Resolution No. 20-2013, which sets forth the findings required by the Health and Safety Code, for the adoption of amendments that are more restrictive than the California State Code. These findings must be adopted by a Resolution by the Board and then they become part of the ordinance.

Please note that legal counsel has reviewed the documents and their comments have been incorporated in the final drafts.

Procedural Requirements:

1. State regulations require the adopted resolution and proposed ordinance be provided to the County for review at least 30 days prior to the noticing of the public hearing required to be conducted prior to the adoption of the ordinance.
2. It is recommended that Resolution No. 20-2013 be adopted tonight and Ordinance No. 2013-4 be introduced tonight.
3. A notice of the public hearing must be published once a week for two successive weeks with at least five days intervening between the respective publications prior to the public hearing.
4. After the public hearing, the Board may adopt Ordinance 2013-4.
5. After adoption, Government Code Section 50022.5 specifically requires publication of the ordinance in full.
6. Additionally, after adoption, the District must transmit the adopted ordinance to the County. The County may ratify, modify, or deny the ordinance and transmit its determination to the District within fifteen days of the determination. The ordinance will not become effective until ratified by the County.
7. Lastly, the District must forward a copy of the adopted resolution and ordinance to the California Buildings and Standards Commission. The ordinance will not become effective or operative until the resolution and ordinance have been filed with the California Building Standards Commission.

Proposed Amendments:

Generally, proposed Ordinance No. 2013-4 readopts prior amendments previously adopted by the District to the previous version of the California Fire Code. In addition, the proposed amendments for the 2013 Edition of the Fire Code include the addition of language prohibiting the use of sky lanterns, a revised sprinkler ordinance, and the deletion of the weed abatement procedures.

The proposed amendments include a prohibition of the use of sky lanterns. In the last few years, the use of small hot air balloon open flame devices known as sky lanterns has been noted in and around the County. A sky lantern was responsible for an 80 acre vegetation fire that threatened the County communication repeater towers in 2011. After this incident, efforts were made Countywide to regulate the use of sky lanterns. Most agencies in the County have added a prohibition of sky lanterns.

Staff is also recommending modifications to the sprinkler ordinance in order to clarify the regulations and implement regulations that are more consistent with the majority of the County regulations. Staff proposes the following sprinkler regulations:

"903.2 Where required.

(Delete subsection in its entirety and add) "An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth below:

New Construction. An automatic fire extinguishing system shall be installed and maintained in all new buildings in "A," "B," "C," "E," "F," "H," "I," "M," "R," "S" and "U" occupancies as defined by the Uniform Building Code, regardless of type of construction or floor area, for which any Building Permit is issued after the effective date of this Ordinance.

Exceptions:

- (i) Detached Group B, C, M occupancies not exceeding 500 square feet and located at least 10 feet from adjacent buildings and 5 feet from adjacent property lines;
- (ii) Some "U" * uses may be exempted by the fire code official based on specific use (i.e. carports, fences, livestock shelters).

*May not exceed 1,000 sq feet - must be at least 10 feet from adjacent buildings - no second stories - minimum two exits including one pedestrian door - workshops or offices limited to 10% of floor area - cannot be used for a place of employment or for public assemblage/events - cannot be used as a commercial building.

Note: "U" occupancies converted to conditioned habitable space will be required to install an automatic fire extinguishing system.

Existing Construction. An automatic fire extinguishing system shall be installed in all existing buildings or structures where proposed or ongoing additions, seismic retrofit, alterations or repairs are commenced over a three-year period, which meet one or more of the following:

- (i) Throughout structure where additions to existing buildings adds up to more than 50% of the existing square footage;
- (ii) Throughout existing and new sections of an existing building where the floor area is increased by 1,000 square feet;
- (iii) Alterations including modifications to an existing structure which involves complete removal and replacement of 50% or more of the wallboard;

- (iv) Have a total floor area exceeding five thousand (5,000) square feet;
- (v) When a second story or higher is added;
- (vi) When occupancy change increases fire risk or hazard, as determined by the fire code official.

For the purpose of calculating square footage for the application of fire sprinkler and fire flow requirements, the floor area shall include all combustible areas attached to the structure, including garages, patio covers or common areas (protected on three sides), overhangs over 2 feet, and covered walkways.

Furthermore, when an automatic fire extinguishing system is required for an existing single family residence due to an addition, fire sprinklers shall not be required for vaulted ceilings in the existing residence where there is no accessible attic space; otherwise, the addition and all other existing rooms and spaces in the residence shall be equipped with the fire sprinkler system.

Regardless of additions, alterations or repairs in existing sprinklered buildings, sprinkler coverages shall remain as per the National Fire Protection Association 13, 13R, or 13D standards, whichever are applied by the fire code official."

Lastly, staff is recommending that the weed abatement provisions previously contained in the District's local amendments be deleted. The weed abatement procedures are purely statutory. Meaning, they are already governed by statute, specifically Health and Safety Code Sections 14876 et. seq. Therefore, there is no benefit to the District to adopt them as part of the ordinance. Including the weed abatement procedures can cause confusion and inconsistencies as the State may make modifications to the weed abatement procedures, which would then not be reflected in the District's ordinance.

Attachments:

Resolution No. 20-2013
Ordinance No. 2013-4